

84TH CONGRESS
2D SESSION

H. R. 8147

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1956

Mr. LESINSKI introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To provide a more equitable system for the settlement of disputes arising from personnel actions in the classified civil service, and of grievances and complaints of all Government personnel, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Civil Service Appeal and
4 Grievance Procedures Act of 1956."

5 SEC. 2. (a) Section 6 (a) of the Act of August 24,
6 1912 (5 U. S. C., sec. 652 (a)), is hereby amended to read
7 as follows:

8 "SEC. 6. (a) (1) No person in the classified civil
9 service of the United States (including a person within the

1 purview of section 14 of the Veterans' Preference Act of
2 1944, as amended), who has completed a probationary or
3 trial period of employment, shall be removed or suspended
4 without pay therefrom, reduced in grade or compensation,
5 or debarred from future employment, except for such cause
6 as will promote the efficiency of such service and for reasons
7 given in writing.

8 “(2) Any such person (except a person within the
9 purview of subsection (b) (3) of this section) whose re-
10 moval, suspension for more than thirty days, or reduction in
11 grade or compensation is sought shall (A) have at least
12 thirty days' advance written notice (except where there is
13 reasonable cause to believe such person to be guilty of a
14 crime for which a sentence of imprisonment can be im-
15 posed), stating any and all reasons, specifically and in detail,
16 for any such proposed action; (B) be allowed a reasonable
17 time for answering the same personally and in writing, and
18 for furnishing affidavits in support of such answer; (C)
19 within thirty days after the date of receipt of notice of an
20 adverse decision on such answer, have the right to appeal in
21 writing to the board of appeals established by the depart-
22 ment concerned under section 3 (a) of the Civil Service Ap-
23 peal and Grievance Procedures Act of 1956 and to make a
24 personal appearance, or an appearance through a designated
25 representative, before such board of appeals; and (D) have

1 the right to appeal to the Civil Service Commission from an
2 adverse decision of such board of appeals. In the event the
3 department or agency concerned does not have such a board
4 of appeals, such person shall have the right to appeal di-
5 rectly to the Civil Service Commission. Such appeal to the
6 Commission shall be made in writing within a reasonable
7 length of time after the date of receipt of notice of the ad-
8 verse decision of such board of appeals or of the proper ad-
9 ministrative officer of the department or agency concerned,
10 as the case may be. Such person shall have the right to make
11 a personal appearance, or an appearance through a desig-
12 nated representative, in accordance with such rules and regu-
13 lations as may be issued by the Civil Service Commission.
14 After investigation and consideration of the evidence sub-
15 mitted, the Civil Service Commission shall submit its findings
16 and recommendations to the board of appeals (if any) and
17 to the administrative officer concerned and shall send copies
18 of the same to the appellant or to his designated represent-
19 ative. It shall be mandatory for such administrative officer
20 to take such corrective action as the Commission finally
21 recommends. This paragraph shall apply to a person within
22 the purview of section 14 of the Veterans' Preference Act
23 of 1944, as amended, only if he so elects.

24 “(3) Any such person (except a person within the
25 purview of subsection (b) (3) of this section) whose sus-

1 pension without pay for thirty days or less is sought shall
2 (A) have advance written notice of the same and of any
3 charges preferred against him; (B) be furnished with a
4 copy of such charges and any and all reasons therefor; (C)
5 be allowed a reasonable time for filing a written answer to
6 such charges, with affidavits; and (D) be furnished at the
7 earliest practicable date with a written decision on such
8 answer. No examination of witnesses nor any trial or hear-
9 ing shall be required except in the discretion of the officer
10 or employee directing the suspension without pay.

11 “(4) Copies of all documents and papers in connection
12 with each personnel action taken under paragraph (2) or
13 (3) of this subsection shall be made a part of the records
14 of the department or agency concerned; and copies of the
15 same shall be furnished, upon request, to the person affected
16 and to the Civil Service Commission.”

17 (b) Section 6 (b) (1) and (2) of the Act of August
18 24, 1912 (5 U. S. C., sec. 652 (b) (1) and (2)), is
19 hereby amended to read as follows:

20 “(b) (1) Any person removed or suspended without
21 pay under subsection (a), or discharged, suspended, or fur-
22 loughed without pay under section 14 of the Veterans’
23 Preference Act of 1944, as amended, who is reinstated or
24 restored to duty on the ground that such removal, discharge,
25 suspension, or furlough was unjustified or unwarranted,

1 either as a result of the determination of the merits of the
2 case or because of procedural error, shall be paid compen-
3 sation at the rate received on the date of such removal, dis-
4 charge, suspension, or furlough, for the period for which he
5 received no compensation with respect to the position from
6 which he was removed, discharged, suspended, or furloughed,
7 less any amounts earned by him through other employment
8 during such period, and shall for all purposes except the
9 accumulation of leave be deemed to have rendered service
10 during such period.

11 “(2) Any person who is reduced in compensation under
12 subsection (a) or under section 14 of the Veterans’ Prefer-
13 ence Act of 1944, as amended, who is restored to his former
14 rate of compensation on the ground that such reduction was
15 unjustified or unwarranted, either as a result of the determina-
16 tion of the merits of the case or because of procedural error,
17 shall be paid an amount equal to the difference between (A)
18 the amount of compensation he would have received during
19 the period his rate of compensation was reduced if such
20 reduction had not been made, and (B) the amount of com-
21 pensation he actually received during such period.”

22 (c) The amendments made by subsections (a) and (b)
23 of this section shall not apply with respect to any personnel
24 action referred to in such amendments which is initiated prior

1 to the date of enactment of this Act; and the provisions of
2 section 6 of the Act of August 24, 1912, as in effect immedi-
3 ately prior to the enactment of such amendments shall remain
4 in effect with respect to such personnel actions as though
5 this Act had not been enacted.

6 SEC. 3. (a) The head of each department shall establish,
7 install, develop, maintain, and operate procedures for the
8 prompt, economical, and just settlement of disputes arising
9 from personnel actions, and of grievances and complaints of
10 personnel, which arise in his department. Such procedures
11 shall be designed to provide for—

12 (1) settlement of all such disputes, grievances, and
13 complaints at the lowest practicable supervisory level
14 and, wherever possible, without any formal hearing or
15 examination of witnesses;

16 (2) establishment of a board of appeals for the con-
17 sideration and determination of all such disputes which
18 are within the purview of section 6 (a) of the Act of
19 August 24, 1912, as amended, and of all such grievances
20 and complaints, which are not settled under paragraph
21 (1) of this subsection, in each major center of activity
22 of the department concerned, and in any other center of
23 activity of such department where the head thereof
24 determines that such a board is desirable to carry out
25 the purposes of this Act;

1 (3) consultation with representatives of organiza-
2 tions of Government employees in connection with the
3 establishment, development, and operation of procedures
4 for the settlement of such disputes, grievances, and
5 complaints;

6 (4) equitable representation of organizations of
7 Government employees by the appointment of employees
8 who are members of such organizations to serve on
9 boards of appeals established under paragraph (2) of
10 this subsection; and

11 (5) training of supervisory employees in preven-
12 tion of disputes, grievances, and complaints, settlement
13 thereof under paragraph (1) of this subsection, and
14 processing of those which are not so settled.

15 (b) Settlement procedures of the departments under
16 subsection (a) of this section shall conform to the principles,
17 standards, and related requirements prescribed by the Civil
18 Service Commission under section 4 (a) of this Act.

19 SEC. 4. (a) The Civil Service Commission, after con-
20 sulting the several departments, shall promulgate regulations
21 prescribing the principles, standards, and related require-
22 ments which shall be observed by the head of each depart-
23 ment in the establishment, installation, development,
24 maintenance, and operation in his department of procedures
25 for the settlement of disputes arising from personnel actions,

1 and of grievances and complaints of personnel. Such regu-
2 lations shall be designed to aid the heads of the several
3 departments to carry out the functions imposed on them
4 by section 3 (a) of this Act with the maximum practicable
5 uniformity.

6 (b) The Civil Service Commission shall cooperate with
7 the departments in the establishment, installation, and devel-
8 opment of their procedures under section 3 (a) of this Act,
9 and shall gather and disseminate information and furnish
10 technical advice and assistance in connection therewith.
11 Such procedures, or any part thereof, shall be placed in
12 effect when they are determined by the Commission to be
13 adequate to carry out the purposes of this Act and to be in
14 conformity with the regulations promulgated under sub-
15 section (a) of this section. The Commission shall review
16 the procedures of the several departments at such times and
17 to such extent as it may deem necessary, shall inform the
18 head of each department of the results of such review, and
19 shall make such reports to the Congress thereon as it may
20 deem proper.

21 SEC. 5. The Bureau of the Budget shall cooperate with
22 the Civil Service Commission in achieving maximum practi-
23 cable uniformity in the procedures of the departments under
24 section 3 (a) of this Act, taking into consideration the needs
25 and requirements of the several departments. The Bureau

1 shall be responsible for obtaining the full cooperation of each
2 department in carrying out the purposes of such section 3
3 (a).

4 SEC. 6. In addition to its other functions, each board of
5 appeals established under section 3 (a) of this Act in a cen-
6 ter of activity of a department (as the term "department" is
7 defined in the Performance Rating Act of 1950) shall con-
8 sider and pass upon the merits of performance ratings which
9 are appealed by employees of such department stationed in
10 such center of activity. With respect to such employees, such
11 board of appeals shall act in lieu of any board of review estab-
12 lished under section 7 (b) of the Performance Rating Act of
13 1950 and in accordance with the procedures provided for in
14 section 7 (c) and (d) of such Act and in accordance with
15 any regulations which the Civil Service Commission may
16 issue with respect thereto. In lieu of an appeal to such board
17 of review, any such employee shall have the right to ap-
18 peal, under section 7 (c) of such Act, to such board of
19 appeals. The jurisdiction of any such board of appeals
20 under this section shall extend to all appeals made prior to,
21 and still pending on, the date of enactment of this Act.

22 SEC. 7. For the purposes of sections 3 to 5, inclusive,
23 of this Act, the term "department" means (1) the executive
24 departments, (2) the independent establishments and agen-
25 cies in the executive branch, (3) the General Accounting

1 Office, (4) the Library of Congress, (5) the Government
2 Printing Office, (6) the Botanic Garden, and (7) the mu-
3 nicipal government of the District of Columbia.

4 SEC. 8. The enactment of this Act shall not affect the
5 operation of any law or Executive order relating to removal
6 or suspension of officers and employees in the interest of the
7 national security.

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